

5816. Adulteration and misbranding of mineral spring water. U. S. * * * v. Benscot Mineral Springs Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 8303. I. S. No. 3210-m.)

On August 13, 1917, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Benscot Mineral Springs Co., a corporation, Austell, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 10, 1917, from the State of Georgia into the State of Florida, of a quantity of an article labeled in part, "Benscot * * * Natural Mineral Spring Water," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Bottle No	1	2	3	4	5
Ammonia, free (as nitrogen)-----	0.030	0.024	---	---	---
Ammonia, albuminoid (as nitrogen)-----	.012	.006	---	---	---
Nitrogen as nitrites-----	.002	.002	.002	.002	.001
Nitrogen as nitrates-----	---	.10	---	---	---
Bicarbonic acid (HCO ₃)-----	---	144.0	---	---	---
Chlorin (Cl)-----	---	1,968.0	---	---	---
Residue at 110° C-----	---	3,993.0	---	---	---

Results expressed in milligrams per liter.

CONTENTS.

- Bottle 1, 1 qt., 28 fluid ounces.
- 2, 1 qt., 28½ fluid ounces.
- 3, 1 qt., 27½ fluid ounces.
- 5, 1 qt., 28½ fluid ounces.
- 7, 1 qt., 28 fluid ounces.

Average 1 qt., 28.1 fluid ounces.

The number of organisms per cc developing on gelatin, after 4 days at 20° C., ranged from 3,700 to 98,000 and on agar, after 1 day at 37° C., from 2 to 240, in the eight bottles examined. The number of liquefying organisms per cc ranged from 700 to 3,000. Lactose broth fermentation tubes, after 2 days at 37° C., showed gas developing in 5 cc quantities from 3 bottles and the presence of *B. coli* was confirmed in each of the 3 bottles.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance.

Misbranding of the article was alleged for the reason that the statement borne on the label attached to the bottle, to wit, "Contents of this bottle 1 quart and 30 ounces," regarding the article was false and misleading in that it represented that said bottle contained 1 quart and 30 ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the bottle contained 1 quart and 30 ounces of the article, whereas, in truth and in fact, it did not, but contained a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 20, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.